IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.6789 of 2008
RAMJI PRASAD
Versus
THE STATE OF BIHAR
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02. 13.05.2008 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner is an accused for offences punishable under Sections 302 and 34 of the Indian Penal Code as well as Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the allegation of firing upon the deceased is upon three other co-accused persons, whereas the allegation against the petitioner is that he had kept the informant at his place not allowing to go to the place of occurrence. Learned counsel for the petitioner further states that the entire allegation against the petitioner is false and frivolous as no specific overt act with respect to the killing has been attributed to the petitioner. Learned counsel for the petitioner also avers that final form had been submitted with respect to the petitioner, but much thereafter cognizance was taken by the court against the petitioner also regarding which he had no information and therefore he could not surrender earlier and was declared absconder and his case was separated from the case of others. Learned counsel for the petitioner further contends that all the accused persons, including the aforesaid assailants, have been enlarged on bail. Learned counsel for the petitioner also submits that the petitioner is in custody since 12.12.2007.

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In the aforesaid facts and circumstances, this petition is allowed. Let petitioner, namely Ramji Prasad, be released on bail on furnishing bail bond of Rs.10,000.00 (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum- Fast Track Court No.3, Gaya, in connection with Sessions Trial No.681 of 2007 arising out of Neemachak Bathani Police Station Case No.06 of 2002.

sunil **(S.N.Hussain,J.)**

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